

Date: January 5, 2021
To: State Board of Agriculture members
From: Karla Valness, Special Assistant to the Director
Subject: Resolutions

Based on the Board Policy and Procedures for Resolutions, the following resolutions are scheduled for review in 2021. The workgroup review of these resolutions will begin in January 2021.

Proposed action: ACTIVE Resolutions - For review and discussion*

Resolution	Title	Workgroup A--ODA Lead: Stephanie Page, Helmuth Rogg Board members: Harper, Miller, Raymond, Santamaria
024	Pesticide Use for Insect Pest and Disease Control	
203	Soil and Water Conservation Cost-Share Funds	
274	Board of Agriculture and the Department of Agriculture Involvement in the Oregon Watershed Enhancement Board	
298	Coexistence of wolves and livestock on Oregon's rural landscape	

Proposed action: ACTIVE Resolutions - For review and discussion*

Resolution	Title	Workgroup B--ODA Lead: Jim Johnson, Isaak Stapleton, Jess Paulson Board members: Boyer, Hallock, Johnson, Zielinski
169	Need for Documented Agricultural Work Force	
266	Collective Bargaining for Agricultural Workers and Employers	
314	Permitted uses on lands zoned exclusive farm use and on high-value farmland agricultural land	
315	Working Lands Conservation Easements	
316	Federal Minimum Wage Parity	
317	Oregon Department of Agriculture's role in the Food Safety Modernization Act Produce Rule Implementation	

* The State Board of Agriculture will be accepting public comment on these resolutions during public comment opportunities listed on the board agenda for the meeting in January 2021.

Public Comment

Written comments – All written comments received will be posted on the ODA website and will be provided to the Board in advance of the meeting. Submit your written comments by email to: Karla Valness at kvalness@oda.state.or.us by **5:00 PM on Thursday, January 14, 2021**.

Verbal comments – Verbal comments are limited to three minutes and will be heard in the public comment period (agenda item 5) at approximately 10:30 AM on Wednesday, January 20. In order to provide verbal comment, you must contact Karla Valness at kvalness@oda.state.or.us by **5:00 pm on Friday, January 15, 2021** and provide the following information:

- Your first and last name
- The topic of your comment
- The telephone number you will be using when calling the meeting

State Board of Agriculture Resolutions under review 2021

Workgroup A

Resolution	Title
024	Pesticide Use for Insect Pest and Disease Control
203	Soil and Water Conservation Cost-Share Funds
274	Board of Agriculture and the Department of Agriculture Involvement in the Oregon Watershed Enhancement Board
298	Coexistence of wolves and livestock on Oregon's rural landscape

Oregon State Board of Agriculture Resolution	
Title: Pesticide Use for Insect Pest and Disease Control	Number: 024 Effective Date: 02/22/2018
Sub-Committee: Natural Resources ODA Staff Contact: Stephanie Page	Next Review Date: 00/00/2021 Date of Last Review/Revision: 02/22/2018 Original Resolution Date: 05/11/1978
Board Chair: Barbara Boyer	Signature on file

Proposed action:Active Resolution for review and discussion

Background

Resolution

The State Board of Agriculture supports the need of agriculture to control insect pests and diseases using pesticide chemicals until other acceptable methods are developed.

The State Board of Agriculture adopts the position that when pesticides used in agriculture are applied in accordance with pesticide label, then the public and the environment are protected from harmful or adverse effects as required by federal law.

Proposed action:Active Resolution for review and discussion

Oregon State Board of Agriculture Resolution	
Title: Soil and Water Conservation Cost-Share Funds	Number: 203 Effective Date: 02/22/2018
Sub-Committee: Natural Resources ODA Staff Contact: Stephanie Page	Next Review Date: 00/00/2021 Date of Last Review/Revision: 02/22/2018 Original Resolution Date: 12/12/2000
Board Chair: Barbara Boyer	Signature on file

Proposed action:Active Resolution for review and discussion

Background

Whereas the availability of cost-share funds for on-the ground conservation measures to implement ODA’s agricultural water quality compliance program is critical, and whereas Soil and Water Conservation Districts acting as Local Management Agencies are essential in playing a lead role in approving funds for cost-shared practices.

Resolution

Be it resolved the Board of Agriculture supports the continued efforts of the Soil and Water Conservation Commission to secure adequate funding through OWEB for a cost-share program that will help landowners achieve the goals and objectives embodied in agricultural water quality management plans and address local conservation priorities.

Proposed action:Active Resolution for review and discussion

Oregon State Board of Agriculture Resolution	
Title: Board of Agriculture and the Department of Agriculture Involvement in the Oregon Watershed Enhancement Board	Number: 274 Effective Date: 02/22/2018
Sub-Committee: Natural Resources ODA Staff Contact: Stephanie Page	Next Review Date: 00/00/2021 Date of Last Review/Revision: 02/22/2018 Original Resolution Date: 03/02/2006
Board Chair: Barbara Boyer	Signature on file

Proposed action:Active Resolution for review and discussion

Background

Resolution

The Oregon State Board of Agriculture recognizes that the economic viability of agricultural landowners, the social stability of rural communities, and sustainable watersheds are interdependent.

Because the Board of Agriculture supports these values and because the values are consistent with ORS 541.353(1)(a) and .371(1)(c) (2005 OWEB Statutes), the Board strongly encourages OWEB's consideration of economic viability, social stability, and sustainable watersheds in the selection process for awarding funds for projects, particularly those associated with enhancing water quality on Oregon's agricultural lands.

The Board of Agriculture supports the involvement of the Oregon Department of Agriculture in the Oregon Watershed Enhancement Board's efforts to consider and prioritize selection of projects for OWEB resource enhancement grant funds, as provided in ORS 541.370(1)(a) (2005 OWEB Statutes).

The Board of Agriculture supports membership and active participation in OWEB by a Board of Agriculture representative, as specified in ORS 541.900(2)(a)(A)(iv).

Proposed action:Active Resolution for review and discussion

Oregon State Board of Agriculture Resolution

Title: Coexistence of wolves and livestock on Oregon's rural landscape

Number: 298
Effective Date: 11/30/2017

Sub-Committee: Government Relations
ODA Staff Contact: Kathryn Walker

Next Review Date: 00/00/2021
Date of Last Review/Revision: 11/30/2017
Original Resolution Date: 03/10/2011

Board Chair: Barbara Boyer

Signature on file

Proposed action:Active Resolution for review and discussion

Background

Whereas Oregon's livestock producers are major contributors to Oregon's economy and culture;

Whereas most of Oregon's wildlife habitat is privately owned by Oregon's livestock producers and farmers;

Whereas wolf re-colonization is subject to management and control by the State of Oregon and U.S. Fish and Wildlife;

Whereas Oregon's livestock producers endure losses and damage from wildlife, including predation by wolves;

Whereas Oregon's livestock producers have concern for the safety of their families and employees as it relates to the proximity of wolves to the livestock;

Whereas Oregon's livestock producers' goal is to manage the wolf population, not eliminate wolves in Oregon;

Whereas livestock predation and other management costs are caused by wolves and will continue to increase as wolf numbers and distribution increase;

Where the Wolf Depredation Compensation and Financial Assistance Grant Program provides important financial assistance to livestock producers who experience livestock loss and/or implement nonlethal wolf deterrent techniques;

Whereas wolf management is subject to different management and control standards than other predators, due to their protected status;

Whereas livestock producers have unaddressed and unresolved concerns regarding wolf recovery and management;

Whereas plain, certain, and science-based rules; consistent policy, procedures, and standards are necessary to address livestock predation by wolves in Oregon;

Whereas the relationship between the State of Oregon and its livestock producers is stressed as a result of wolf management;

Whereas the Oregon Department of Agriculture and the State Board of Agriculture represents Oregon's livestock producers and supports the livestock industry;

Resolution

Now, therefore, be it resolved that the Oregon State Board of Agriculture acknowledges the economic importance of the livestock industry in Oregon. The Oregon State Board of Agriculture supports, recommends, and encourages the implementation of plain, certain, and science-based rules; consistent policy, procedures, and standards that are necessary to address livestock predation by wolves in Oregon and, in particular, that authorize Oregon's livestock producers and their agents to use immediate lethal control when necessary to prevent livestock predation by wolves or those in the process of or attempting to kill any livestock according to the Oregon Wolf Conservation and Management Plan. The Oregon State Board of Agriculture also supports and encourages full funding for the Wolf Depredation Compensation and Financial Assistance Grant Program.

Proposed action:Active Resolution for review and discussion

State Board of Agriculture Resolutions under review 2021

Workgroup B

Resolution	Title	Workgroup B--ODA Lead: Jim Johnson, Isaak Stapleton, Jess Paulson Board members: Boyer, Hallock, Johnson, Zielinski
169	Need for Documented Agricultural Work Force	
266	Collective Bargaining for Agricultural Workers and Employers	
314	Permitted uses on lands zoned exclusive farm use and on high-value farmland agricultural land	
315	Working Lands Conservation Easements	
316	Federal Minimum Wage Parity	
317	Oregon Department of Agriculture's role in the Food Safety Modernization Act Produce Rule Implementation	

Oregon State Board of Agriculture Resolution	
Title: Need for Documented Agricultural Work Force	Number: 169 Effective Date: 06/07/2018
Sub-Committee: Government Relations ODA Staff Contact: Kathryn Walker	Next Review Date: 00/00/2021 Date of Last Review/Revision: 06/07/2018 Original Resolution Date: 05/21/1999
Board Chair: Barbara Boyer	Signature on file

Proposed action:Active Resolution for review and discussion

Background

Whereas, Oregon agriculture’s farmgate value is \$5.2 billion dollars;

Whereas, Oregon agriculture is the second largest economic sector in the state;

Whereas Oregon farmers, ranchers, fishermen and processors need a reliable, qualified, and legal workforce to raise, harvest, and process over 225 different agricultural commodities produced in Oregon;

Whereas foreign-born workers comprise a significant portion of the Oregon agriculture and food processing workforce;

Whereas finding skilled, qualified agricultural labor is a growing challenge for Oregon’s farmers, ranchers, fishermen and food processors, as well as nationwide;

Whereas when domestic workers are not available, agriculturalists should have access to a guest farmworker program to ensure the continued production of locally grown, harvested and processed Oregon agricultural commodities.

Resolution

Be it resolved that the State Board of Agriculture supports the introduction of immigration laws that create a path forward for existing agricultural workers in the United States to obtain legal documentation. Be it further resolved that the Board strongly recommends to Congress that modifications be made to existing laws, particularly the H-2A Temporary Agricultural Workers Program, so all agricultural sectors have the opportunity to secure a qualified workforce.

Proposed action:Active Resolution for review and discussion

Oregon State Board of Agriculture Resolution	
Title: Collective Bargaining for Agricultural Workers and Employers	Number: 266 Effective Date: 09/21/2017
Sub-Committee: Government Relations ODA Staff Contact: Kathryn Walker	Next Review Date: 00/00/2021 Date of Last Review/Revision: 09/21/2017 Original Resolution Date: 03/17/2005
Board Chair: Barbara Boyer	Signature on file

Proposed action:Active Resolution for review and discussion

Background

WHEREAS, employees' rights to form or join a union should continue to be protected by federal and state laws;

WHEREAS, neither federal nor state law provide for collective bargaining rules and regulations for Oregon farm workers and Oregon farm employers;

WHEREAS, the Oregon State Board of Agriculture does not believe that this represents a free and fair process to determine whether or not a majority of workers support forming a union;

WHEREAS, Oregon agricultural employers have for many years supported the establishment of Oregon law that would enable equitable rules and regulations to control collective bargaining for Oregon farm workers and their employers;

WHEREAS, it is in the best interest of Oregon agriculture to ensure a fair process for collective bargaining.

WHEREAS, the bargaining process is free of coercion to ensure a fair process for all parties involved.

Resolution

Be it resolved that the Oregon State Board of Agriculture supports extending collective bargaining protections to Oregon agriculture.

Proposed action:Active Resolution for review and discussion

Oregon State Board of Agriculture Resolution	
Title: Permitted uses on lands zoned exclusive farm use and on high-value farmland agricultural land	Number: 314 Effective Date: 02/17/2017
Sub-Committee: Land Use ODA Staff Contact: Jim Johnson	Next Review Date: 00/00/2021 Date of Last Review/Revision: 02/17/2017 Original Resolution Date: 12/04/2014
Board Chair: Barbara Boyer	Signature on file

Proposed action:Active Resolution for review and discussion

Background

Whereas over 50 land uses are permitted in the exclusive farm use zone up from 5 land uses that were initially established by state law.

Whereas increasingly there are cases of nonfarm land uses and related activities presenting compatibility issues with farming practices and presenting implications to rural infrastructure and services.

Whereas there is increasing concern being expressed about the cumulative impact of the conversion of agricultural lands by nonfarm land uses such as aggregate mining, wetlands development, public and private parks, other recreation uses, schools, energy generation and transmission facilities and urban services such as landfills.

Whereas many of the nonfarm uses that may be “permitted outright” on lands zoned for exclusive farm use may be approved without any consideration of compatibility with surrounding farming practices.

Whereas high-value agricultural soils compose less than 8% of Oregon’s total lands and less than 6% of the lands located outside of urban growth boundaries that are also designated for agricultural use under Statewide planning Goal 3,

Whereas the total area of irrigated, harvested cropland in the state comprises 16% of the total land in farms yet accounts for 36% of the total market value of agricultural products sold,

Whereas irrigation and the necessary delivery infrastructure is key to maintaining the viability of and to growing the state’s agricultural industry,

Whereas the 2013 Legislature will likely directed the State Department of Agriculture and the Department of Land Conservation and Development to analyze and report on the conflict between farm and nonfarm uses and cumulative impact of permitted uses on land zoned for exclusive farm use.

Resolution

Be it resolved, the Oregon State Board of Agriculture does not support the inclusion of additional non-farm, permitted uses on high-value farmland as defined in ORS 195.300(10).

Resolution number: 314

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Resolution title: Permitted uses on lands zoned exclusive farm use and on high-value farmland agricultural land

The Board recommends:

1. A reexamination of land uses currently permitted within the exclusive farm use zone with the goals of reducing those permitted uses and determining which land uses should be permitted outright opposite to those that should be permitted subject to land use review.
2. Establishing review criteria to evaluate the compatibility of nonfarm land uses with farm uses in surrounding areas.
3. An examination of the need to better define what certain nonfarm land uses include.
4. Establishing land use regulations that provide for the recognition of high value agricultural areas and that establish requirements to provide a higher degree of protection for identified areas with a goal of avoidance. When reasonable alternatives do not exist and high-value agricultural land is determined to be needed for the siting of a nonfarm land use, the Board supports siting on high value agricultural land only upon a determination that the proposed nonfarm use does not or can be mitigated to not adversely impact farming operations in the area.

The Board also recommends that any study designed to evaluate the implications of nonfarm land uses include an analysis of the cumulative impact of the approval and location of all nonfarm uses on lands zoned exclusive farm use. Such an evaluation should include analysis related to:

1. the conversion of agricultural lands; and
2. the implications of conflicts created by nonfarm land uses on the short and long-term ability of surrounding farm and ranches to operate efficiently and effectively.

Proposed action:Active Resolution for review and discussion

Oregon State Board of Agriculture Resolution	
Title: Working Lands Conservation Easements	Number: 315 Effective Date: 02/17/2017
Sub-Committee: Land Use ODA Staff Contact: Jim Johnson	Next Review Date: 00/00/2021 Date of Last Review/Revision: 02/17/2017 Original Resolution Date: 04/30/2015
Board Chair: Barbara Boyer	Signature on file

Proposed action:Active Resolution for review and discussion

Background

Whereas, agricultural land is a finite natural resource that is threatened in Oregon by increasing urban expansion and by the cumulative conversion by nonfarm land uses.

Whereas, Oregon’s Statewide Planning Program has provided substantial protection to agricultural lands from development since its establishment in 1973 yet according to Oregon Department of Forestry data, between 1984 and 2009, approximately 147,000 acres of farm and rangeland was converted to nonfarm development. Continued threats to the conversion of agricultural land include expansion of urban growth areas and the cumulative impacts to agricultural lands from nonfarm uses authorized by exclusive farm use zoning.

Whereas, there is increasing interest from farmers, ranchers, land trusts and soil and water conservation districts in the use of working lands easements to *compliment* the statewide planning program to protect working agricultural lands from conversion.

Whereas, there is increasing concern about the succession of farmland to the next generation of farmers and ranchers and working lands easements can provide a tool that can help facilitate effective land succession.

Whereas, the use of working lands easements is voluntary, keeps land in private ownership and on the tax rolls.

Whereas, working lands easements can provide landowners with various financial incentives such as federal and state tax deductions, estate tax benefits and purchase of easement values.

Whereas, the U.S. Department of Agriculture has established a working lands easement program known as the Agricultural Conservation Easement Program (ACEP) that provides funding to states for acquisition for working lands easements. The ACEP program requires matching funds from a local source.

Whereas, there still is concern expressed by many farmers and ranchers as to who would be the best holder of an easement involving working agricultural lands. Entities with a history of working with farmers and ranchers to maintain viable agricultural operations are preferable in many cases. This has led several soil and water conservation districts to become active in promoting the use of easements either by the district itself or by another agency or nonprofit organization with funding support from the subject district. There is increasing interest in examining the ability of the Department of Agriculture to become an active player in the attainment and holding of agricultural lands easements.

Whereas, the Oregon Legislature is considering legislation that would establish a task force that would study and evaluate, amongst other things, potential tools for state government to help private landowners maintain land as active working farms or forests.

Resolution

Be it resolved that the Oregon State Board of Agriculture:

1. Recognizes that the protection and conservation of active agricultural operations and the land base and associated infrastructure needed to support them is a benefit to Oregon's social, ecological and economic health.
2. Supports a focused use of conservation easements that protect working agricultural lands and complement the Oregon Statewide Planning Program. Easements should protect lands that afford the following assets:
 - a) Are or may become highly productive agricultural lands.
 - b) Are significant to a region's agricultural industry
 - c) Have the ability to conduct long-term viable commercial agricultural operations.
 - d) Are under threat of conversion from agricultural use by urban and/or other nonfarm development.
 - e) As a complement to primary protection of working agricultural lands, help facilitate the protection of other natural resources such as water quality, fish and wildlife habitat and other natural areas.
3. Encourages state government, including the Department of Agriculture, to play a more active role in understanding and protecting agricultural lands through the use of working lands conservation easements.
4. Supports the establishment of a fund in state government that could be utilized to help maintain working agricultural lands through the attainment of conservation easements.

Proposed action:Active Resolution for review and discussion

Oregon State Board of Agriculture Resolution	
Title: Federal Minimum Wage Parity	Number: 316 Effective Date: 02/17/2017
Sub-Committee: Government Relations ODA Staff Contact: Kathryn Walker	Next Review Date: 00/00/2021 Date of Last Review/Revision: 02/17/2017 Original Resolution Date: 12/17/2015
Board Chair: Barbara Boyer	Signature on file

Proposed action:Active Resolution for review and discussion

Background

Whereas 75 to 80 percent of the agricultural commodities produced in Oregon are sold outside of the state's borders;

Whereas Oregon agriculture is an important industry for the state's economy, comprising 13.2 percent of Oregon's total sales;

Whereas Oregon agriculture has a \$5.6 billion in farm gate value;

Whereas Oregon agriculture provides 13.8 percent of the full-time and part-time jobs in Oregon;

Whereas an increase in minimum wage makes it difficult to hire and support individuals seeking to gain experience in the agricultural industry when more experienced workers are also seeking employment;

Whereas an increase in minimum wage causes farmers and ranchers to increase the wage for all employees, ultimately increasing the costs of agricultural goods and services;

Whereas Oregon farmers and ranchers are in competition with other agricultural producers from across the country to sell their goods;

Whereas states with a lower minimum wage can produce agricultural goods with a lower cost of labor than Oregon farmers and ranchers thus reducing in-state and out-of-state market opportunities for Oregon's farmers and ranchers.

Resolution

Be it resolved, that the Oregon State Board of Agriculture supports a federal minimum wage parity to enable Oregon's farmers and ranchers to be competitive with their out-of-state counterparts as they grow, process, and harvest agricultural goods for the local, domestic, and international markets.

Proposed action:Active Resolution for review and discussion

Oregon State Board of Agriculture Resolution	
Title: Oregon Department of Agriculture's role in the Food Safety Modernization Act produce rule implementation	Number: 317 Effective Date: 02/17/2017
Sub-Committee: Food Safety/Market Access ODA Staff Contact: Isaak Stapleton/Casey Prentiss	Next Review Date: 00/00/2021 Date of Last Review/Revision: 02/17/2017 Original Resolution Date: 06/08/2016
Board Chair: Barbara Boyer	Signature on file

Proposed action:Active Resolution for review and discussion

Background

Whereas, the new Food and Drug Administration (FDA) Food Safety Modernization Act (FSMA) produce safety rule will have tremendous impacts to Oregon agriculture.

Whereas, Oregon's produce industry has not been previously regulated with respect to food safety.

Whereas, these new rules will require, produce farms to have produce safety measures in place and may be inspected for compliance with the rule.

Whereas, ODA has the opportunity to participate in implementation of the FSMA produce safety rule in several ways.

Whereas, ODA has applied for cooperative agreement funding to support the following implementation activities:

- Capacity building
- Outreach
- Education
- Technical assistance
- Developing an inventory of covered farms (this is a required part of the cooperative agreement)

Whereas, if ODA chooses to participate in on-farm produce safety inspections and develop a produce safety regulatory program in future years, ODA would need either (1) statutory authority to conduct the inspections; or (2) to conduct inspections under FDA authority as commissioned officials.

Whereas, ODA has received a variety of feedback from stakeholders about the department's role in inspections. Many stakeholders prefer for ODA to gain the authority to do produce safety inspections in Oregon, while others prefer to leave this responsibility to the FDA. Those in support of ODA-led inspections have indicated they believe ODA understands agriculture and has a good track record of successfully regulating Oregon farms in other areas.

Resolution

Be it resolved that the Oregon State Board of Agriculture:

1. Supports ODA's participation in produce safety rule implementation only if federal resources are available to support this work.
2. Recommends that ODA focus on capacity building, outreach, education, and technical assistance to help prepare Oregon's produce industry for FSMA.
3. Recommends that ODA develop the farm inventory required as part of the cooperative agreement using voluntary approaches.
4. Recommends that ODA consider applying for inspection funds if and when more information is available.

Summary

Supports ODA's involvement in FSMA produce safety rule implementation as long as federal resources are available to fully cover the cost of the department's work. Recommends initial focus on outreach and education and recommends that ODA wait until more information is available. Recommends a voluntary approach to developing an inventory of covered farms.

Proposed action:Active Resolution for review and discussion